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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

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GE.00-14609 (E)

The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/2000/4, E/CN.4/Sub.2/2000/5, E/CN.4/Sub.2/2000/6, E/CN.4/Sub.2/2000/7, E/CN.4/Sub.2/2000/8, E/CN.4/Sub.2/2000/35, E/CN.4/Sub.2/2000/36, E/CN.4/Sub.2/2000/38, E/CN.4/Sub.2/2000/39, E/CN.4/Sub.2/2000/NGO/1, E/CN.4/Sub.2/2000/NGO/2, E/CN.4/Sub.2/2000/30)

1. Mr. MENGA (Observer for the Republic of the Congo) said that, with the end of the civil conflicts, the socio-political situation in the Republic of the Congo had taken a positive turn, which was reflected in improved living conditions for the population and greater respect for human rights. In the socio-economic area, a programme approved by the international financial organizations had just been adopted for the period 2000-2002. Its objective was to improve the living conditions of the population, especially the most disadvantaged, and to create jobs. Life was returning to normal. The press was free once again, more young people were being reincorporated in econ. mic activity and reforms had been undertaken in the field of justice.

2. Thanks to sustained cooperation with the international organizations in the field of human rights, it had been possible to submit reports and to complete various missions, including a recent visit by the High Commissioner for Human Rights to Brazzaville.

3. The efforts made by the Congolese authorities following a deadly and destructive conflict deserved encouragement by the international community. It had to be pointed out in that respect that the amount of humanitarian assistance supplied to the Congo during the conflict had been insignificant.

4. Mr. ALEMU (Observer for Ethiopia) began by drawing attention to the fact that Ethiopia and Eritrea had signed a cessation of hostilities agreement on 18 June 2000, which had not, however, prevented an alarming deterioration in the situation of Ethiopian nationals in Eritrea. The Eritrean regime had been using the media to intensify nationalistic feeling and to exacerbate intolerance against Ethiopian nationals.

5. The CHAIRPERSON, speaking on a point of order, reminded the observer for Ethiopia that it had been decided that Government observers should not mention human rights violations committed in countries other than their own.

6. Mr. PINHEIRO endorsed the point made by the Chairperson.

7. Mr. ALFONSO MARTÍNEZ, speaking on a point of order, said that, while it was the Sub-Commission's tradition to avoid discussions between delegations holding different views and using human rights to settle bilateral problems, the concern expressed by the Ethiopian delegation for Ethiopian nationals in Eritrea was legitimate and seemed to lie outside the scope

of the rule referred to by the Chairperson. That having been said, it was indeed important to avoid unnecessary discussions, which was why comments such as that made by the observer for Ethiopia should be as brief as possible.

8. Mr. EIDE said that the observer for Ethiopia ought to make his comments before the Commission and not the Sub-Commission.

9. Mr. de ICAZA (Observer for Mexico), referring to the presidential elections recently held in his country and to the preceding campaign, said that they had taken place in a climate of complete freedom and impartiality. For the first time in 71 years, the candidate of an opposition party had been elected to the presidency of the Republic, which reflected the Mexican people's will to strengthen democracy and the rule of law.

10. In the field of human rights, an initial report on the implementation of the national programme for the promotion and strengthening of human rights had been submitted in January 2000. That report gave an account of the progress achieved in the area of human rights education. Furthermore, 11 Mexican States had instituted human rights commissions, which were fully independent, like the National Human Rights Commission.

11. Mexico was a party to 58 international instruments and regularly submitted reports to the treaty bodies. Moreover, the Mexican Government had fulfilled three commitments it had undertaken the previous year before the Sub-Commission. It had invited the High Commissioner for Human Rights, who had visited Mexico in November 1999. On that occasion, a memorandum of agreement had been signed concerning a programme of technical cooperation. A visit by the Special Rapporteur on violence against women was expected shortly, and the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the human rights of migrants had also been invited to visit the country.

12. Mr. MURIC (Observer for Turkey) recalled the statement made before the Commission on Human Rights, at its fifty-sixth session, by the Minister of State in Charge of Human Rights of Turkey, in which the latter had given a detailed account of his Government's measures to overcome certain shortcomings in the field of human rights. Under a new law, adopted on 5 December 1999, officials could be charged before a court of law. In 1999 alone, the courts had dealt with 100 or so cases of torture and ill-treatment blamed on law enforcement officials. Many of the latter had been prosecuted.

13. The number of persons displaced in Turkey due to anti-terrorist measures had never been as high as 3 million, as alleged. Even at the worst of the conflict, it had never exceeded 360,000. Only 800 villages had been evacuated. Sixty per cent of the villages had been abandoned voluntarily, often under pressure from the PKK. Only in 5 per cent of the cases had the Turkish authorities intervened to evacuate the inhabitants for reasons of security.

14. The Government had recently set up a programme to encourage those people to return to their villages, on the understanding that the return had to be of their own free will, that some villages would not be reinhabited and that new villages would not require extra security measures. Priority would be given to developing economic, social and cultural activities. Aid would also be provided for reconstruction.

15. The Turkish Government cooperated with all international bodies dealing with human rights and it appreciated their constructive criticism. It had invited the Representative of the Secretary-General on internally displaced persons to go to Turkey so that he could see that the return home of villagers was taking place under satisfactory conditions.

16. Mr. HUSSAIN (Observer for Pakistan) said that the political change that had taken place in Pakistan in October 1999 had been particularly well received because it favoured democracy. Human rights and fundamental freedoms were a central focus of the Government and the year 2000 had been designated as the Year of Human Rights and Human Dignity. A Commission on the Status of Women had also been established to ensure the well-being and interests of women.

17. The new Government intended to uphold the main elements of the Constitution, such as the independence of the judiciary, federalism and a parliamentary form of government blended with Islamic principles.

18. Unfortunately, the human rights situation in the territory of Jammu and Kashmir occupied by India was deplorable, jeopardizing peace and stability in south Asia.

19. Mr. EIDE, speaking on a point of order, recommended that the observer for Pakistan abstain from commenting on a situation in a country other than his own.

20. Mr. PINHEIRO asked the Chairperson to remind Government observers that they should abide by the resolution adopted the previous year.

21. Mr. HUSSAIN (Observer for Pakistan) reiterated that the situation in Kashmir was very serious. The Kashmiri people had a right to self-determination. But India continued to enforce its policy of repression without regard for the resolutions of the United Nations Security Council. As was clear from the resolutions, the question of Kashmir had not been decided. A solution therefore had to be found to the conflict. Since Pakistan was one of the parties to the dispute, it was not an internal matter for India.

22. The CHAIRPERSON recalled that it had been decided that Government observers should not refer to human rights violations in countries other than their own.

23. Mr. GUISSÉ inquired what exactly was meant by "countries other than their own" in the case of human rights violations. Expressing concern for one's own nationals in another State was not the same as commenting on the situation of another country.

24. Ms. HAMPSON thought there was no ambiguity. If one spoke of violations in one's own country, one meant violations committed by the authorities of one's own country. Conversely, violations attributed to another country were violations committed by the authorities of that other country.

25. Mr. HUSSAIN (Observer for Pakistan) said that a map published by the United Nations showed that the borders of Jammu and Kashmir had not yet been definitively established. There was therefore nothing to prevent him from referring to the deplorable human rights situation in Jammu and Kashmir.

26. Mr. EIDE said that in the case in hand only the existing frontiers of Pakistan could be taken into account.

27. Mr. ALFONSO MARTÍNEZ considered that the Sub-Commission had no interest in preventing an observer from expressing views. A degree of flexibility was required.

28. Mr. YIMER, supported by Mr. PINHEIRO and Mr. JOINET, said that consistency was called for. If the Commission had decided that no Government observer could refer to the human rights situation in a country other than his own, then that decision should be strictly observed.

29. Ms. WARZAZI said that when the Sub-Commission had decided that no reference should be made to the human rights situation in another country, it had not taken account of nationals living in another country. Perhaps the Sub-Commission could discuss the matter and decide whether to maintain its decision or to amend it.

30. Mr. GUISSÉ, supported by Mr. ALFONSO MARTÍNEZ, pointed out that it was the first time that the Sub-Commission had taken such a step. Without going back on its own decision, it could authorize a measure of flexibility to enable observers to express their views. Too strict an application of the rules could be upsetting.

31. Mr. YOKOTA said he would like to provide further information concerning the murder of Kim Young Dal in Osaka, which had been mentioned at the previous meeting by Mr. Weissbrodt. He had read soon afterwards in a newspaper that a suspect had been arrested, whereupon he had obtained information from the Japanese Mission. The suspect was a woman who had shared the victim's room for some years. The suspect had been charged on 23 June and would be summoned before long to appear before the court. An inquiry had therefore been opened into the crime, the exact circumstances of which were still not known. With regard to cases of disappearance which had occurred in the past, the involvement of the Democratic Republic of Korea had sometimes given rise to suspicion.

32. Mr. WEISSBRODT warmly thanked Mr. Yokota for providing that additional information just when it was needed.

33. Mr. TEKLE (Observer for Eritrea) said that he would confine his remarks to denouncing violations committed on Eritrean territory. Those violations had reached a senseless level of cruelty since the occupation of Eritrean territory in May 2000. Even after the signing of the cessation of hostilities agreement, the invading forces had launched attacks on civilian targets. People had been tortured and imprisoned, young girls and elderly women had been raped, and installations essential to the population, such as water and electricity supply systems and even hospitals, had been destroyed.

34. Mr. PINHEIRO, supported by Mrs. WARZAZI, raised a point of order. It appeared from the text that had been distributed that the statement by the observer for Eritrea was of a type that the Sub-Commission had decided at its previous session no longer to accept. The Eritrean delegation should not benefit from more favourable treatment than other delegations that had been interrupted.

35. Mr. FAN asked to see the written text of the guideline referred to by the members of the Sub-Commission.

36. The CHAIRPERSON specified that the decision referred to was decision 1999/114 contained in the report of the previous session (document E/CN.4/2000/2).

37. Mr. TEKLE (Observer for Eritrea) said that he had amended the text of his statement to delete any reference to a country. All the violations he had listed had been committed in Eritrea itself and some of them had been filmed. The video recording which had been distributed to the experts on the previous day was available to all interested persons. The acts of violence concerned were known not only to international civil society but also to senior officials of the United Nations system.

38. Mr. WEISSBRODT, speaking on a point of order, said he regretted that, although the observer had refrained from mentioning the name of a country, it was obvious which one he was referring to since the members had the written text before them and the changes made by the speaker were minimal. The events described were precisely of the kind that the Sub-Commission was requesting observers to exclude from their statements.

39. He drew Mr. Fan's attention to the fact that the decision of the Sub-Commission was contained in Rule 43 of the Guidelines annexed to the report of the previous session (p.99 of the English version), under the heading "Statements on 'human rights situations'". He read out the relevant passage.

40. Mr. TEKLE (Observer for Eritrea) stated that he was speaking only of the situation of Eritreans in Eritrea. Was he being given to understand that he did not have the right to denounce violations committed on Eritrean territory if the perpetrators of those violations were foreigners and that he could do so only if the perpetrators were Eritreans?

41. Mr. YIMER, pointing out that at the previous session no observers had been interrupted during their statements, proposed allowing both the observer for Ethiopia and the observer for Eritrea to speak.

42. Mr. GUISSÉ said that the Sub-Commission could avoid such deadlock situations by displaying flexibility. The observers should not be constantly interrupted under a rule of whose existence they had just learned. Moreover, Mr. Weissbrodt was carrying his interpretation of the rule to excess, since the speaker had not mentioned any country and had specified that the Eritreans whose rights had been violated were in Eritrea.

43. Mr. PINHEIRO, supported by Mrs. WARZAZI, expressed the view that once a rule existed it should be applied to everyone without distinction. If the rule needed to be made more flexible, that was something the Sub-Commission would have to discuss, but for the present the rule should be applied just as it stood to all delegations without exception.

44. Mr. WEISSBRODT said that the Sub-Commission was a body of experts mandated to use their skills to study certain topics, unlike the Commission on Human Rights which was a body made up of government representatives. It was to that body that the representative of

Eritrea should make his statement, not to the Sub-Commission. That fundamental difference was the reason behind the guideline contained in decision 1999/114, which was intended precisely to avoid the type of discussion to which the solution proposed by Mr. Yimer would lead. He therefore rejected that proposal.

45. Mr. PREWARE said that the guideline did not allow any margin of flexibility. Moreover, to ask the Chairperson to apply it with flexibility would place her in an extremely delicate position, since the question of the criteria for making exceptions to the rule would arise in each case. He therefore suggested to the Chairperson that she apply the rule strictly in order to save time.

46. The CHAIRPERSON said she took it that the members were in agreement on the need to apply decision 1999/114 in a rigorous and impartial manner. Consequently, if the observer for Eritrea was unable to abide by the guideline of the Sub-Commission she would give the floor to the following speaker.

47. Mr. KESANG (Observer for Bhutan) said that the Sub-Commission at its previous session had adopted a Chairperson's statement on persons in Nepal claiming to be refugees from Bhutan; in that statement the Sub-Commission urged the Governments of Bhutan and Nepal to take specific measures to reach a rapid settlement of the problem. Mr. Kesang informed the Sub-Commission that the two Governments had met on a number of occasions since August 1999, which had led to progress in the negotiations. They were committed to continuing the dialogue and to following up the process initiated at a meeting of the Joint Ministerial Committee held in Nepal in September 1999.

48. In April 2000 the High Commissioner for Refugees, Mrs. Ogata, had visited Bhutan at the invitation of the Government. The Government of Bhutan welcomed the fact that the Office of the High Commissioner for Refugees had provided the two Governments concerned with a database to facilitate the verification of the people living in the camps.

49. At the latest meeting of the Joint Ministerial Committee held in Bhutan in May, virtually all the differences concerning the verification procedure had been settled. The two parties were remaining in close contact in order to resolve the one outstanding question.

50. Mr. JOINET, referring to situations of human rights violations on which the Commission on Human Rights had not adopted any resolution, said that the situation in Kyrgyzstan was worrying with regard both to the fate of human rights defenders and to the operation of democracy. He quoted the case of Mr. Dyryldaev, Vice-Chairman of the Human Rights Committee of Kyrgyzstan, a warrant for whose arrest had been issued while he was preparing to travel to Geneva on the occasion of the submission of his country's periodic report to the Human Rights Committee. That body had requested the Government not to arrest him on his return and for the time being he was still in exile. Preventive measures needed to be taken to ensure his protection. At the latest parliamentary elections certain political parties had been excluded from the electoral process, which was also worrying.

51. Although the situation in Tunisia was still causing concern, he welcomed the freeing in September 1999 of Mr. Ksila, Vice-Chairman of the Tunisian League of Human Rights, and the invitation from the Tunisian Government to the Special Rapporteur on freedom of opinion and expression. A decision by a State to invite a rapporteur was an extremely positive sign, even if the rapporteur's report contained criticisms, because it indicated that there was agreement within the Government. In the event, the Special Rapporteur had been completely free to fulfil his mandate and had observed that a large number of people, including human rights defenders, political opponents, trade unionists, lawyers and journalists, were being severely persecuted. It would be interesting to know what response had been forthcoming to the recommendations of the Special Rapporteur and to the conclusions of the Committee against Torture which, in its consideration of the periodic report of Tunisia, had noted the widespread practice of torture in that country.

52. He expressed concern at the situation in Zimbabwe, which was not simply a confrontation between formerly colonized people and former colonizers but was characterized by fratricidal conflicts, since some agricultural workers had opposed the occupation of land and had been obliged to flee to escape persecution or even execution. As to Europe, he noted with concern that a party of the extreme right disseminating xenophobic ideas had entered the Government in Austria. In Spain, the Basque separatist movement ETA, had murdered seven people in eight months including a colonel, parliamentarians and a journalist, in other words, the very type of people that dictatorships sought to eliminate.

53. With regard to the monitoring of situations mentioned by the Sub-Commission at its previous session, he welcomed the fact that the Algerian Government had invited four non-governmental organizations (NGOs) to visit Algeria. Similarly, the fact that the Working Group on Arbitrary Detention had been invited to visit Bahrain in 2001 and the fact that Bahrain had withdrawn its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were encouraging signs. Belarus had withdrawn its reservations to article 20 of that Convention, had received a visit from the Special Rapporteur on the independence of judges and lawyers and was to be visited by the Working Group on Arbitrary Detention in 2001.

54. With regard to the sentencing to death of minors, it was noted that some political leaders in the United States of America were beginning to share the concerns of the Sub-Commission on that matter and that a shift in opinion was taking place. That development showed that the resolutions of the Sub-Commission could produce positive effects.

55. He noted with satisfaction that the Democratic People's Republic of Korea had resumed dialogue with the Republic of Korea and the international institutions and had submitted its report to the Human Rights Committee. The Sub-Commission might suggest to the Commission on Human Rights that it recommend that country to invite a Special Rapporteur.

56. He had been sent on mission to Indonesia to assess what was involved in the re-establishment of the judicial system and had found that it would be necessary to reconstruct the entire system. He had been disappointed to learn that President Suharto was only being prosecuted for corruption and not for the violation of human rights.

57. He welcomed the election of President Fox in Mexico, as he believed that alternation was the cornerstone of democracy. The Sub-Commission would have to be vigilant and verify whether the new President kept his electoral promises.

58. He noted with great satisfaction the creation of the International Commission of Inquiry for Togo, which included one of the members of the Sub-Commission, Mr. Pinheiro. That showed once again that the resolutions of the Sub-Commission could advance the cause of human rights.

59. He recalled that the fight against impunity had been one of the central themes of the Vienna Conference. The fact that it was the Chilean courts that were now investigating the Pinochet case gave cause for satisfaction. When a criminal was brought before the courts of his country of origin, that was a sign of the re-establishment of the rule of law. He felt it was important to appeal to judges to take the initiative of prosecuting other dictators, since very often such an initiative encouraged Governments to follow their example.

60. With regard to the human rights defenders, he pointed out that the Sub-Commission now had a new partner on that issue, namely the special representative of the Secretary-General to report on the situation of human rights defenders. The Sub-Commission could establish links with him and assist him in his work by informing him of cases, as it already did with the High Commissioner. The Rapporteur could provide information on the monitoring of those cases at each session of the Sub-Commission.

61. Mr. KARTASHKIN pointed out that, according to the guidelines on the application of the rules of procedure, during the consideration of human rights situations it should normally be the members of the Sub-Commission who took the floor last.

62. The CHAIRPERSON stated that, according to the rules of procedure, the experts could speak at any time.

63. Mrs. WARZAZI welcomed the fact that Mr. Joinet had spoken of the human rights situation in European countries, particularly Austria. It was her understanding that a party of the extreme right had entered the Government in that country following completely legitimate democratic elections. The problem was that extremists often used democracy to gain power and, once in power, they abolished democracy.

64. Mr. KARTASHKIN commented that during the discussions on agenda item 2 the majority of speakers had adopted a balanced, objective and impartial approach. Unfortunately, that had not always been the case, particularly with regard to Chechnya. Since he had had the opportunity to visit that Republic on several occasions, he wished to bring to the attention of the members of the Sub-Commission some of the information he had gathered during his discussions with Chechens. They had told him that the situation had worsened considerably after the arrival of Bassaev: all the schools had been closed, gas and electricity supplies had been cut off and looting had become commonplace.

65. According to those Chechens, the situation had changed radically once order had been restored: the population had been supplied once again with gas and electricity and the educational establishments, particularly establishments of higher education, had reopened. The situation in Chechnya had, therefore, changed radically since the previous session of the Sub-Commission, as had also been pointed out by representatives of the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe.

66. Faced with armed bandits operating out of Dagestan, who threatened the sovereignty of the State, the Government of the Russian Federation had done what any other State would have done to defend national unity and the territorial integrity of the Federation. Unfortunately, as in any war, civilian losses were inevitable. Nevertheless, any soldier guilty of violating international humanitarian law would be prosecuted and sentenced.

67. In conclusion, Mr. Kartashkin urged the NGOs and experts to show more objectivity in considering the human rights situations brought to their attention.

68. The CHAIRPERSON pointed out that the human rights situation in Chechnya had already been examined by the Commission on Human Rights.

69. Mr. PINHEIRO said he believed that some years earlier the Sub-Commission had expressed the wish that experts should not speak of the human rights situation in their own country.

70. Mr. PREWARE said that if the Sub-Commission applied that rule it might deprive itself of valuable and objective information on certain situations.

71. Mr. KARTASHKIN expressed the view that, in exceptional cases, an expert could speak of the human rights situation in his own country if he had objective information to communicate to the Sub-Commission.

72. Mr. RODRIGUEZ CUADROS said that the three major principles of the Sub-Commission should be prevention, protection and reparation. Accordingly, experts should avoid considerations extraneous to human rights, especially political considerations.

73. In order to prevent human rights violations and contribute to the restoration of any rights that had been violated, the Sub-Commission should enter into a transparent dialogue with NGOs and Governments so as to gather relevant information.

74. Generally speaking, human rights violations, particularly torture, summary executions, arbitrary detention and restrictions on freedom of expression, were linked to impunity and to the absence of the rule of law and democracy. It was therefore necessary to lay emphasis on the fight against impunity and to establish democracy and the rule of law.

75. Mr. QIAO ZONGHUAI (Observer for China) said that the Chinese Government recognized and respected the principle of the universality of human rights and at the same time maintained that it should be applied in the light of the specific situations of countries. Guided by that principle, the Chinese Government and people had found a development path suited to the

situation in China. In two decades, the population living in poverty had fallen from 250 million to 34 million. In the current year, the Chinese Government had decided to launch a campaign to develop the west of the country for the benefit in particular of ethnic minorities.

76. While improving the enjoyment of economic, social and cultural rights, the Chinese Government had also undertaken a series of legislative and legal reforms to protect civil and political rights, to build up democracy, to ensure the impartial administration of justice and to institute the rule of law while enhancing public awareness of law and legal rights.

77. The Chinese Government was keen to ensure appropriate handling of the issue of stability and development, which was why it had banned a sect that was endangering society. The Chinese Government was committed to promoting solidarity and equality among ethnic groups and protecting human rights, including those of the Tibetan people. In that respect he rejected the irresponsible allegations made the previous day regarding the situation in Tibet. The human rights situation in China was better than ever before. That was a historic fact which could not be denied by anybody. The Chinese Government was convinced that promotion and protection of human rights should be realized through dialogue and exchange on the basis of equality and mutual respect, and that the reformed Sub-Commission would surely play its unique, positive role in that regard.

78. Mr. CHATTY (Observer for Tunisia) said that, since the Sub-Commission's fifty-first session, Tunisia had endeavoured to combine democratic development and economic and social development. It had introduced reforms with a view to promoting a genuine democratic culture, strengthening political pluralism and ensuring the effective exercise of the inalienable and indivisible rights of all citizens. It had held the first pluralist presidential elections in its history and parliamentary elections which had admitted opposition parties to the Chamber of Deputies, where they occupied 20 per cent of the seats.

79. As far as the administration of justice was concerned, the duration of police custody had been reduced from 10 days to 3 days renewable only once. Compulsory work in prisons had been abolished and the Penal Code had introduced community tasks as a substitute penalty for imprisonment.

80. The crime of torture had been introduced into the law in accordance with the relevant provisions of international conventions. A bill had been tabled to introduce two levels of jurisdiction in penal matters and to institute the function of visiting magistrate.

81. Measures had been taken to extend the freedom of the press, in particular by setting up a commission of press professionals.

82. On the international scene, thanks to the untiring efforts of President Ben Ali, the Social Summit of Geneva had called for the creation of a world solidarity fund to eradicate poverty.

83. Tunisia was making definite strides with its sustainable development strategy, confident of the support of a people aware of the formidable challenges ahead. For that reason the untruthful allegations of those trading on human rights issues should be considered futile and

intellectually dishonest. Tunisia had never pretended it had achieved all its objectives in the field of human rights, but its political will to improve was genuine. Its keywords were democracy, development and human rights.

84. Mr. HAN SUNG IL (Observer for the Democratic People's Republic of Korea) said that in order to further the promotion and protection of human rights, priority should be given to the right to life, which was a fundamental right. Yet, while human rights organizations had debated at length the enforcement of the death penalty in the world, which meant in practice the execution of less than 3,000 criminals a year, the death of over 10 million innocent people, who were the victims of social evils and extreme poverty, had been practically ignored. The debate about the right to life should therefore be extended to include those two issues.

85. It was the responsibility of the international community to protect children from all forms of exploitation, violence and repression. Although the Convention on the Rights of the Child had become an almost universal instrument, to which all United Nations Members except two had become parties, children still continued to be the victims of serious violations. The sale of children and child prostitution, which were no longer limited to the developing countries but were also rampant in the developed countries, should prompt the international community to expand cooperation for the protection of children. Dialogue and cooperation were a powerful engine for the promotion and protection of human rights. But at the same time the sovereignty of other States should be respected and the principles of impartiality, objectivity and non-selectivity should be observed.

86. Mr. AL HADDAD M. AHMED (Observer for Bahrain) said that the Government of Bahrain had continued to address the social and economic challenges facing the country, through the ongoing pursuit of coordinated policies in the field of employment, education and training and by providing the necessary infrastructure to meet the needs of a young and growing population. The role of civil society had been encouraged through the participation in those activities of over 200 NGOs.

87. Elections were planned for municipal councils and for the Shura Consultative Council. Furthermore, a national institution had been established with a wide-ranging mandate to review human rights issues. Also, a Supreme Council for the Judiciary had been set up to supervise all aspects of Bahrain's justice system.

88. The Government of Bahrain was looking forward to hosting a visit by the Working Group on Arbitrary Detention from 25 February to 3 March 2001. A delegation of Amnesty International had visited Bahrain in June-July 1999, and the International Committee of the Red Cross had continued its programme of visits in accordance with a 1996 Memorandum of Understanding.

89. Mr. FAN Guoxiang considered that the root causes of human rights violations lay both within and among nations. War between nations, particularly through foreign aggression, jeopardized international peace and security. In that respect, the war in Kosovo, in which NATO member countries had resorted to heavy bombardment, had led to extremely serious violations of human rights in the region. Because of its inhuman character, for both Albanians and Serbs, the NATO attack had merely aggravated and complicated instead of alleviating ethnic problems.

90. Moreover, it was unacceptable that countries which had signed arms reduction treaties should not respect them. How was it that, after the end of the cold war, there were still military alliances, military pacts and military bases installed on the territory of foreign countries?

91. It had often happened in human history that praiseworthy principles had been diverted from their goal. Such was the case of the promotion and protection of human rights. Some States had gone so far as to carry out a "humanitarian military intervention" without even giving prior notice to the United Nations Security Council. If humanitarian action was no more than an alternative way of pursuing political aims, it lost its "innocence". While some members of humanitarian organizations gave assistance even at the risk of their lives, others used the pretext of humanitarian intervention for politically motivated enterprises.

92. He wished to state he was against any follow-up to country-specific resolutions of the fifty-first session of the Sub-Commission, such as those on the Republic of the Congo and human rights defenders. He was also against any follow-up to thematic resolutions in which country names were mentioned. Lastly, he wished to express serious reservations regarding the follow-up to the Chairperson's statements on the human rights situations in Togo, Belarus, Indonesia and Mexico, as well as on persons in Nepal claiming to be refugees from Bhutan.

93. Mr. PARK said that the question of the enjoyment of human rights covered two basic aspects. The first was the need to obtain an overall picture of the situation. Thus, several regions and countries of the world (former Yugoslavia, East Timor, Kashmir, Sri Lanka, Sierra Leone and Republic of Congo) remained battlegrounds, where civilians, in particular women and children, suffered worst of all. Those situations were among the challenges which had to be faced.

94. But some progress had also been made. One of the most important successes had been the enlargement of the concept of human rights. While the Universal Declaration of Human Rights remained the bedrock instrument, the notion of human rights had come to encompass a whole range of issues, from the prohibition of genocide to the protection of vulnerable groups such as women and children. In addition, there had been a proliferation of legal instruments and actors in human rights. NGOs, both national and international, had been very active on the human rights front.

95. The second aspect concerned future challenges. One of the most serious hindrances to progress had been the differences between the developed and developing worlds, and between democratic and non-democratic societies. There was also the debate on whether the recognition of human rights was inherent in humanity or whether it varied according to different cultures. Then there was the question of whether economic development should take precedence over the promotion of human rights. But discussing in those terms could lead to extremes. Human rights were critical to economic development, so that the two notions reinforced each other.

96. A further challenge to the primacy of human rights was peace and security. Under the pretext of safeguarding peace and security, Governments engaged in questionable practices. While security was undeniably a basic human right very often individual human rights were ignored or violated in the name of State security.

97. With regard to the role of education in human rights, he welcomed the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

98. The recent summit meeting between the leaders of North and South Korea was bound to have consequences for peace and security, but also for human rights. The two leaders had agreed, amongst other topics, to resolve the problem of unification and humanitarian issues.

99. In his view, the Sub-Commission's new mandate would enable it to perform more effectively.

100. Mr. GOONESEKERE said that the development of violence by non-State actors remained a matter of concern. Over the years, terrorist groups had continued to take hostages, hijack planes, commit murders, etc. Such incidents were alarming and needed to be dealt with. State terrorism, which was the most pernicious form of human rights violation, had not disappeared either. But States had to be answerable for the protection of human rights on their territory.

101. International human rights instruments had been drafted to promote human dignity and to settle differences by peaceful means. Yet civil conflicts were spreading and there was a tendency to try to settle them by force. The fact that weapons were easy to obtain made the situation all the more dangerous. The State had a duty to enforce law and order, provided it remained within the limits prescribed by international law for situations of armed conflict. The task of a body like the Sub-Commission was precisely to ensure that measures taken by States to restore order were not excessive.

102. The situation regarding terrorist groups was more alarming, since they acted with total disregard for laws and individuals and were answerable to no one. The fact that a cause was just did not justify applying different standards to non-State actors. It was therefore time for the international community to consider the issue of the behaviour of non-State actors. Multinational companies were expected to abide by human rights rules. Why then could the same not be demanded of groups engaged in armed struggle to defend their cause? It should not be forgotten that the cause of human rights had to be held above any other.

103. Even if that principle were accepted, however, the international community should of course not remain indifferent when millions of people fell victim to their Government's policies. The embargoes applied in such situations brought back memories of the discredited policies of former colonial powers, which had found it quite natural ruthlessly to eliminate any challenge to their authority abroad. While sanctions might at times be necessary, they needed to be constantly reassessed in the light of objectives. In the matter of relations between individuals as between nations, there was always room for compassion, as Gautama Buddha had said 2,500 years earlier.

104. Ms. HAMPSON said she would like to have a list of country situations which had already been drawn to the attention of the Commission on Human Rights.

The meeting rose at 1 p.m.